

Civil Action # 6:06-cv-00109 **BIDZIRK vs Smith**

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Philip J Smith makes the following known to the District Court For The District of South Carolina
Greenville Division.

Philip Smith [Indicated as Smith or Defendant] in Civil Action # 6:06-cv-00109 **BIDZIRK vs Smith** hereby requests dismissal of all charges brought by Bidzirk in this matter.

The honorable William H Catoe ruled in an injunction hearing recorded to record on 4/26/06 that **jackwhispers.com** qualified as "news and news commentary". Rightfully so, as every article is exactly that.

jackwhispers.com, editor Philip Smith, regularly posts on the topic of eBay and the technology industry. Smith was in his constitutional right and ethical right to publish the story as stands. Smith has won multiple awards for his writing.

Philip Smith states the following in earnest: "This case with the legal paperwork and procedural bureaucracy are an immense financial and social burden upon me. I contend that the honorable Judge Catoe has respectfully ruled in whole on all of Bidzirk's claims. Surely if the "news article" were defamation, the honorable judge wouldn't jeopardize my well being by continuing to let damages mount against me. Further, Bidzirk and legal counsel's actions are becoming "self fulfilling" ... the more they protract this frivolous litigation the worse their image becomes for seeming to pick on the little guy.

I do not have the money to defend this with proper legal counsel; yet I make enough not to qualify for Pro Bono or contingency representation. Bidzirk is being allowed by the court to take advantage of this fact.

There is no damage to the Bidzirk name and there is no reasonable means of proving so. If anything ... I have brought awareness to Bidzirk's services.

I am asking that the court consider this dismissal fairly and allow Philip Smith to continue with countersuit as filed. I have received immense social and physical duress and irreparable damage to my business. These proceedings and the breach of contract by Bidzirk has cost me immeasurable financial and investment loss.

Further, I plea of the court that Smith be granted an injunction against Bidzirk for contacting other non relevant subjects of articles I have done and continue to post on my website. This contact is causing "those contacted" to think I am in some sort of legal trouble and therefore may precipitate unwarranted and unreasonable litigation to come against me. The niche I cover in my reporting tends to lean towards reporting on some of the less "mentally stable" persons in the tech industry. I have already received emailed threats. I am being defamed over Bidzirk's actions in several forums around the internet by those who oppose my editorials. (Much as Bill O' Reilly is). Example is that Bill O' Reilly has a staff of dozens to fend off such attacks and has a much broader reputation and financial resource to pool from.

Thank you.


Philip Smith

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